HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.7452 of 2006

Between:

Arava Mohan

… Petitioner

AND

The Principal,
Bapatla Engineering College,
Bapatla, Guntur District & another.

… Respondents

Counsel for the Petitioner : Shri K.Soma Konda Reddy

Counsel for respondents : Shri P. Harinath Gupta

Dated: 16th October, 2006

: ORDER :

Per C.V.NAGARJUNA REDDY,J

The petitioner, who is said to be prima facie involved in the incident of ragging, which took place in Bapatla Engineering College, Bapatla (for short, 'the college'), and as a sequel to which K.Alexander, a student of I year B.Tech. (Civil Engineering) is said to have committed suicide on 26.10.2005, has filed this petition for quashing the action of the Principal of the college to place him under suspension.

On the basis of his placement in the merit list prepared as a result of E-CET – 2005, the petitioner, who holds the qualification of Diploma in Mechanical Engineering, was admitted in the II year of B.Tech. course in academic session 2005-06.

K.Allexander, a student of I year B.Tech. of the college committed suicide on 26.10.2005 at his native Village of Chintagumpalle. On a report sent by the Village Secretary, Chintagumpalle Village, the Sub-Inspector of Police, Chinnaganjam Police Station registered Cr.No.75/2005 under Section 306 of the Indian Penal Code and Section 4 of the Andhra Pradesh Prohibition of Ragging Act, 1997 (for short "the 1997 Act"). On the complaint made by the father of the deceased, the petitioner and five others were arrested by the police. In the meanwhile, the administration of the college got a preliminary enquiry conducted into the circumstances in which K.Alexander committed suicide. The report of the preliminary enquiry revealed involvement of six students including the petitioner in the ragging of the deceased K.Alexander, which compelled him to commit suicide. After considering the report of the preliminary enquiry and the fact that the petitioner and others have been arrested by the police, the Principal of the college issued notice-cum-order dated 3.11.2005 whereby he suspended all the six students including the petitioner.

Sri K.Soma Konda Reddy, learned counsel for the petitioner argued that the suspension of his client should be declared illegal and quashed because he is in no way connected with the alleged incident of ragging of K.Alexander. He submitted that the petitioner belongs to the poor strata of the society and he has raised a loan of Rs.22,500/- for his studies and, therefore, his suspension may be revoked.

We have considered the submissions of the learned counsel, but have not at all felt impressed. By taking cognizance of the fact that the menace of ragging is spreading its ugly tentacles and has reached a dangerous level, the State Legislature enacted the 1997 Act. Section 3 of the Act prohibits ragging within or outside any educational institution. Section 4 specifies the penalties for ragging, which include imprisonment varying from 6 months to 10 years, besides imposition of fine depending upon the gravity and the result of the act. Section 5 provides that a student convicted of an offence under Section 4 must be dismissed from the educational institution. Sub-section (2) of Section 5 lays down that the student who is convicted of an offence shall not be admitted to any other educational institution. Section 6 of the Act provides that whenever there is a complaint of ragging, the Head or Manager of an educational institution shall enquire into or cause an enquiry into the same forthwith and if the complaint is *prima facie* found true, he shall suspend the student or students complained against for such period as may be deemed necessary. The decision of the Head or Manager of the educational institution suspending the student is given its finality under Section 6(2) of the Act.

In our opinion, the provisions contained in the 1997 Act have a salutary purpose. Over the years, the so-called senior students of educational institutions have been misbehaving with the freshers in the name of ragging. The conduct of some of these senior students more often exceeds decency, assumes levels of obscenity and at

times cruelty. It is not uncommon that we come across incidents where the innocent students are made to indulge in several unnatural acts. They are humiliated and insulted in the view of co-students. This shatters their self-confidence. A number of students leave the studies and even commit acts like the one committed by K.Alexander. The complaint made by the father of the unfortunate victim shows that the deceased student was subjected to the humiliation of being made to serve apples nude, apart from making him write love letters and hand them over to some girl students. If these allegations are ultimately found established in the criminal case already instituted, the petitioner and his accomplices may have to suffer most stringent punishments prescribed under Section 4 of the Act. However, as the matter is pending, we do not wish to express any conclusive opinion on the culpability of the petitioner in the crime allegedly committed by him. Insofar as the decision of the Principal to suspend the petitioner from the college is concerned, we do not find any valid ground for judicial interdiction. The preliminary enquiry got conducted by the management of the college prima facie proves the involvement of the petitioner. Therefore, the Principal of the college was fully justified in invoking his power under Section 6(1) of the 1997 Act. The discretion exercised by the Principal does not suffer from any legal infirmity or arbitrariness warranting interference of this Court under Article 226 of the Constitution of India.

In the result, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, WPMP.No.9563 of 2006 filed by the petitioner for interim relief is also dismissed.

C.V.NAGARJUNA REDDY, J

G.S.SINGHVI, CJ

16th October, 2006.

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